

Message Text

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44

ACTION EUR-12

INFO OCT-01 ISO-00 PM-03 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 EB-07 AID-05 IGA-01 OMB-01 TRSE-00 CG-00

DOT E-00 EURE-00 IO-10 /076 W
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O 051400Z AUG 75

FM AMEMBASSY ANKARA

TO SECSTATE WASHDC IMMEDIATE 256

INFO SECDEF WASHDC IMMEDIATE

USCINCEUR IMMEDIATE

CINCUSAFE IMMEDIATE

S E C R E T ANKARA 6071

E.O. 11652: GDS

TAGS: MARR, MOPS, PFOR, TU

SUBJ: BASIS FOR CLAIMING EXEMPTION FOR AIRCRAFT LANDING AND
PARKING FEES

REF:

- A. ANKARA 8002, DTD OCT 9, 1973
- B. STATE 213554 DTD OCT 31, 1973
- C. ANKARA 8127 DTD OCT 11, 1974
- D. STATE 184127

1. PRINCIPAL BASIS FOR EXEMPTION OF U.S. MILITARY AIRCRAFT FROM TURKISH LANDING AND PARKING FEES SEEMS IN PAST TO HAVE BEEN PARA 3 OF AIR TECHNICAL ARRANGEMENT DATED DECEMBER 6, 1954. AS THIS ARRANGEMENT WAS TO BE REPLACED BY IMPLEMENTING AGREEMENT UNDER 1969 DEFENSE COOPERATION AGREEMENT, MATTER HAS FIGURED PROMINENTLY IN IMPLEMENTING AGREEMENT NEGOTIATIONS, AS DEPARTMENT IS AWARE.

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2. WHEN TURKS RAISED ISSUE IN IMPLEMENTING

AGREEMENT NEGOTIATIONS ON OCTOBER 3, 1973, U.S. CHAIRMAN CITED 1954 TAX RELIEF AGREEMENT, CENTO STANAG, 1954 AIR TECHNICAL ARRANGEMENT AND TURKISH AERONAUTICAL INFORMATION PUBLICATION AS ALL PROVIDING EXEMPTION FROM LANDING AND PARKING FEES. TURKISH CHAIRMAN DID NOT RPT NOT AT THAT TIME DISAGREE WITH THIS INTERPRETATION AS REGARDS TAX RELIEF AGREEMENT AND IN FACT INDICATED THAT GOT MINISTRY OF FINANCE WANTED TO REOPEN AGREEMENT TO PLUG WHAT THEY REGARDED AS LOOPHOLE ON LANDING AND PARKING FEE EXEMPTIONS (REF A). DEPARTMENT IN REF B DIRECTED EMBASSY TO "STRENUOUSLY MAINTAIN" THE POSITION OUTLINED IN REF A AND TO REMIND TURKS THAT I.A. NEGOTIATIONS WERE NOT FORUM FOR RENEGOTIATION OF TAX RELIEF AGREEMENT. THIS WE HAVE DONE AND TAX RELIEF AGREEMENT ALONG WITH CONTRIBUTION WE HAVE MADE TO CONSTRUCTION OF AIRFIELDS HAVE BEEN PRINCIPAL SUPPORT FOR SUBSTANTIVE ARGUMENTS FOR RETENTION OF EXEMPTION GRANTED BY 1954 ARRANGEMENT IN AIR TECH IMPLEMENTING AGREEMENT. IN SESSIONS PRECEDING SUSPENSION OF I.A. NEGOTIATIONS, TURKISH CHAIRMAN DID NOT RPT NOT ARGUE THAT PARA 2.I (EYE) OF TAX RELIEF AGREEMENT DID NOT RPT NOT COVER LANDING AND PARKING FEES BUT THAT EXCEPTION MENTIONED IN PARA 11 OF ANNEX SHOULD APPLY (REF C).

3. BECAUSE OF INSTRUCTIONS IN REF B AND BECUASE WE HAVE RECEIVED NO COMMENT ON SUBSEQUENT REPORTS OF NEGOTIATING SESSIONS IN WHICH WE UPHELD THIS POSITION, INDICATION IN REF D THAT 1954 TAX RELIEF AGREEMENT MAY NOT RPT NOT PROVIDE US LEGAL RELIEF FROM LANDING AND PARKING FEES COMES AS DISTINCT SURPRISE. IT WOULD ALSO SURPRISE TURKS, WHO MIGHT WELL VIEW SUCH A BASIC CHANGE IN OUR POSITION AS RESULT OF THEIR CURRENT PRESSURES.

4. IF IT IS NOW WASNINGTON'S VIEW THAT TAX RELIEF AGREEMENT DOES NOT RPT NOT PROVIDE US FIRM LEGAL BASIS FOR CLAIMING LANDING AND PARKING FEES EXEMPTION, BASIS OF OUR CLAIM FOR EXEMPTION MIGHT BE 1954 AIR TECHNICAL ARRANGEMENT, WHICH GOT HAS ALSO DECLARED INVALID BUT WHICH WE HAVE MAINTAINED REMAINS VALID UNDER
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TERMS OF 1969 DEFENSE COOPERATION AGREEMENT UNTIL REPLACED BY AIR TECH OR OTHER IMPLEMENTING AGREEMENT. AIR TECHNICAL ARRANGEMENT WOULD SEEM TO RESTRICT SCHEDULED FLIGHTS TO INCIRLIK, ESENBOGA, DIYARBAKIR, ESKISEHIR AND BALIKESIR, HOWEVER. WE DO NOT RPT NOT BELIEVE PARA 8 OF TAX RELIEF AGREEMENT OFFERS IN ITSELF GOOD BASIS FOR EXEMPTION CLAIM.

5. IF WASHINGTON CONCLUDES THAT NEITHER TAX RELIEF
AGREEMENT NOR OLD AIR TECHNICAL ARRANGEMENT PROVIDES US
RELIEF AND THAT WE SHOULD AT SOME POINT ACQUIESCE IN
PAYMENT OF LANDING FEES, OUR POSITION IN UPCOMING
NEGOTIATIONS WOULD PERHAPS BE LEAST HARMED IF WE
ACQUIESCE IN TURKISH CHAIRMAN ASULA'S CONTENTION THAT
THESE ARE PAYMENTS FOR "SERVICES ACTUALLY RENDERED",
CITED AS EXCEPTION IN PARA 11.F. OF ANNEX.
MACOMBER

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